IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2696 OF 2002

Mrs.Farjana Usman Shaikh & Anr. ...Applicants

Versus

Usman Dilawar Shaikh & Anr. ...Respondents

.....

Mr.S.S.Bhole i/b Mr.Sadashiv G.Deshmukh
for Applicants.
Mr.S.P.Thorat for Respondent No.1.
Mr.R.Y.Mirza, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 23, 2005.

P.C.

1. Heard Counsel for the parties. Perused the reply affidavit filed on behalf of the Respondent No.1.

2. It is seen that the trial in respect of the criminal action pending before the lower Court had progressed substantially, much before the

institution of the present Application. However, that fact has not been disclosed in the present Application. In other words, relevant fact has been suppressed by the Applicant. According to the Respondent No.1, entire evidence of Respondent No.1 has been adduced and in fact, the matter was kept for arguments and Judgment. This position is supported on affidavit filed before this Court. Accordingly, no interference is warranted in this Application. The same is dismissed.

3. Interim relief is vacated forthwith.

A.M.KHANWILKAR, J.